

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SINGULARDTV, GmbH,

Plaintiff,

v.

JOHN DOE,

Defendant.

Civil Action No. 1:21-cv-06000-VEC

**AFFIRMATION IN SUPPORT OF PLAINTIFF’S COMPLAINT AND
MOTION FOR LEAVE TO SERVE A THIRD-PARTY SUBPOENA
PRIOR TO A RULE 26(f) CONFERENCE**

JERALD M. TENENBAUM, an attorney duly admitted to practice before this Court hereby affirms under penalty of perjury as follows:

1. I am a member of the law firm of Morrison Tenenbaum PLLC, counsel of record for SingularDTV GmbH (“SingularDTV” or the “Company” or “Plaintiff”), the Plaintiff in the above-captioned action.

2. I respectfully submit this Affirmation in support of the Plaintiff’s motion for leave to serve a third-party subpoena prior to a Fed. R. Civ. P. 26(f) conference pursuant to Fed. R. Civ. P. 26(d) (the “Motion”).

3. The factual background of this matter is fully set forth in the attached affidavit of Carl Volz, Esq., an attorney and former general counsel for the Company, the affidavit of Kimberly Jackson, Chief Financial Officer of the Company, and the affidavit of Daniel Ghazi, President of DAG Tech, LLC, the Company’s information technology consultant.

4. Submitted herewith is a memorandum of law which sets forth the legal arguments in support of Plaintiff’s motion for leave to serve a Fed. R. Civ. P. 45 third-party subpoena (the

“PL. MOL”).

5. As set forth in the PL. MOL, Plaintiff’s Motion should be granted.

6. Annexed thereto the PL. MOL as **Exhibit “PLM-A”** is a true and correct copy of the Complaint.

7. Annexed thereto the Affidavit of Kimberly Jackson as **Exhibit “KJ-A”** is a true and correct copy of the Trademark Registration Certificate for the “BINANCE” trademark filed with the United States Patent and Trademark Office.

8. Annexed thereto the Affidavit of Carl Volz, Esq. as **Exhibit “CV-A”** is a true and correct copy of e-mail correspondence between Carl Volz, Esq. and the Defendant.

9. Annexed thereto the Affidavit of Carl Volz, Esq. as **Exhibit “CV-B”** is a true and correct copy of the Token transaction history.

10. Annexed thereto the Affidavit of Carl Volz, Esq. as **Exhibit “CV-C”** is a true and correct copy of the Complaint Referral Form filed with the Internet Crime Complaint Center of the Federal Bureau of Investigation by the Company.

WHEREFORE, Plaintiff respectfully requests that this Court grant Plaintiff’s motion for leave to serve Fed. R. Civ. P. 45 third-party subpoenas on Google LLC and Binance Limited Holdings pursuant to Fed. R. Civ. P. 26(d).

Dated: New York, New York
July 20, 2021

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